

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

May 20, 2010



Rezoning RZ 10-10: Harmony School

CASE DESCRIPTION: a request to change the zoning classification from Commercial District (C-3) to Office District (C-1)

LOCATION: 5.184 acres of land wrapping around the north corner of South Texas Avenue and Twin Boulevard currently addressed as 2031 South Texas Avenue

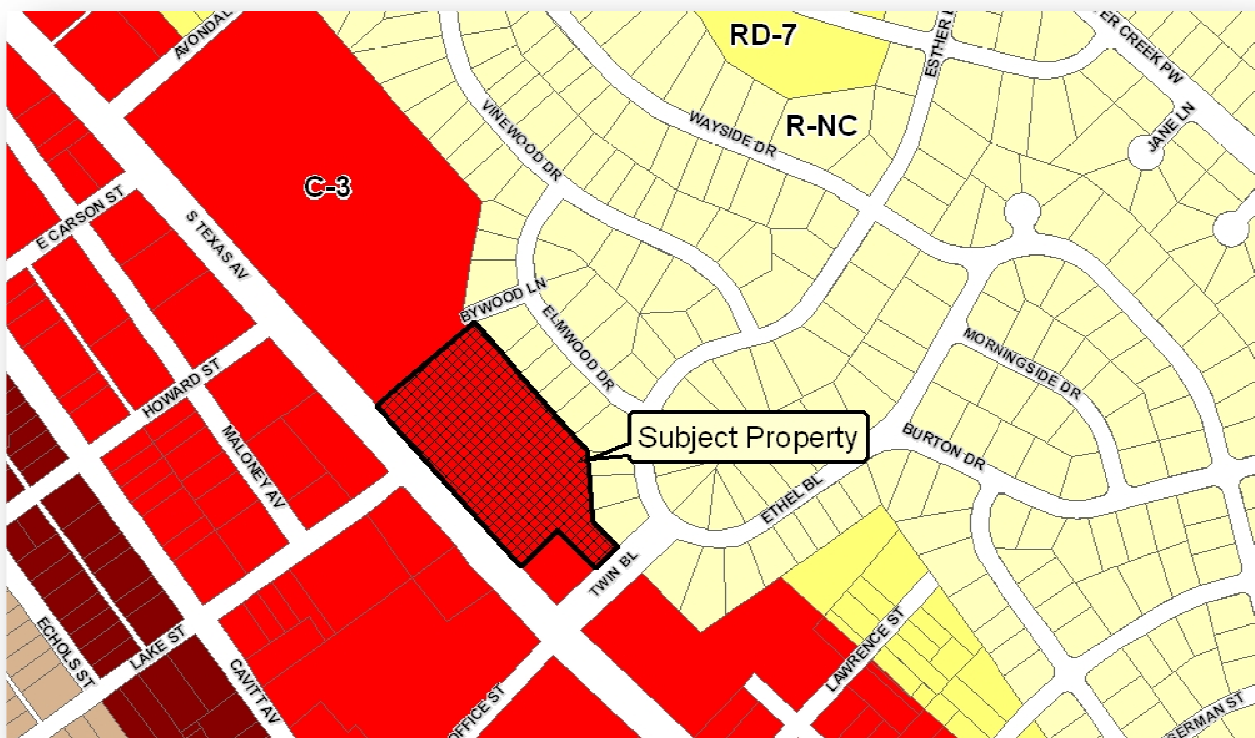
LEGAL DESCRIPTION: Lots 2 and 3 in Townshire Subdivision

EXISTING LAND USE: charter school

APPLICANT(S): Omer Usulogullar

STAFF CONTACT: Randy Haynes, Project Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this rezoning request.



Aerial Photo



BACKGROUND:

The applicant, Mr. Omer Usulogullar, acquired the subject property, a former grocery store, in 2006. After renovating the building, Harmony School, a charter school, opened in the fall of 2007. In order to provide enhanced athletic programs for students, the applicant proposes to build a gymnasium and several outdoor sports facilities on the subject property. In order to fit the proposed new facilities on the available property, the gymnasium building is proposed to be built next to the existing school building.

In 1989, this property as well as adjacent property along Texas Avenue was zoned Commercial District (C-3). The Zoning Ordinance requires that where C-3 Districts abut a residential district or use, a minimum 75-foot wide buffer zone must be observed. Within buffer areas, only pedestrian walkways, landscaping and storm water detention facilities are permitted.

In this particular case, a Residential – Neighborhood Conservation District (R-NC) with existing single-family home sites adjoins the subject property's eastern boundary. The existing school facility on this site predates the adoption of buffer area standards and is set back 25 feet from the property line that is shared

with single-family homes on Esther Boulevard and Elmwood Drive. Existing buildings are grandfathered and not subject to the buffer requirement. However, the existing C-3 zoning of this property along with its required buffer makes expansion of the school building problematic, as new building construction has to comply with current standards, including the buffer area standard.

Charter schools are allowed by right in most of Bryan's zoning districts, including Office Districts (C-1). The applicant is requesting C-1 zoning for this property. The C-1 zoning classification requires a 25-foot wide buffer area adjacent to residential districts.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

Within the comprehensive plan process, issues were discussed that addressed land use concerns facing Bryan in the next twenty years. The following is an example that staff considers particularly germane to this case.

5.4 Land Use Issues

The following issues related to land use were identified by the Comprehensive Plan Advisory Committee (CPAC) and the public:

Redevelopment – A number of older commercial areas along major corridors contain vacant or underutilized buildings. The best local examples of redevelopment are Downtown Bryan and the Tejas Center at the corner of Texas Avenue and Villa Maria. The adaptive reuse of buildings and redevelopment of existing commercial structures supplements the tax base and beautifies the area. Residents sought to translate Bryan's success in Downtown and with the Tejas Center for other areas in need of redevelopment. Because of the number of areas in need of redevelopment, this effort was viewed by most as a top priority for Bryan.

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to general area and the City as a whole.

Staff asserts that the uses permitted in C-1 are appropriate in this particular environment. The C-1 zoning classification is intended to provide opportunities for development of business, professional and financial offices. The character of commercial development allowed in C-1 Districts is purposefully intended to be of relatively low intensity, in comparison with retail activity allowed in Retail Districts (C-2) or more intense commercial activity in Commercial Districts (C-3).

In this particular case, C-1 zoning on the subject property will be consistent with land use recommendations of Bryan's Comprehensive Plan which suggests that office/light commercial uses are appropriate at location that are convenient and accessible to residential areas. The proposed zoning change will apply a compatible zoning district to land that is already developed and currently occupied by a school.

2. Whether there is availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for the proposed use.

None of the items listed above would be affected if the zoning of the subject property were changed to C-1 District. The property is already occupied by charter school facilities. Any issues regarding utility demand will be addressed at the time of development.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

There is considerable amount of vacant or underdeveloped land available for office use in the area. Staff can identify no reasons that the requested rezoning would cause other vacant land to become unavailable for development.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

The Texas Avenue corridor encompasses a considerable amount of vacant or underdeveloped property. Staff contends that the range of uses allowed in C-1 zoning districts, which is purposefully less intense than those allowed in C-2 or C-3 District and hence often appropriate adjacent to residential districts is more appropriate at this location. C-1 zoning here could provide a better transition between an arterial street, Texas Avenue and the residential neighborhood located to the northeast.

5. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

Staff contends that other areas designated for similar development are unlikely to be affected if this property's zoning designation were changed to C-1 District. Staff believes that, in the long term, a comprehensive study of land uses along Texas Avenue may reveal the need to reconsider or change the existing zoning patterns along this major corridor.

6. Any other factors which will substantially affect the health, safety, morals, or general welfare.

Staff has been unable to identify factors affecting health, safety, morals, or general welfare relating to this request.

RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission **approve** rezoning to C-1 District, as requested.